

set in August 2011. The reason given for the request for a later hearing date was that SJTG required more time to analyze the specification.

On April 5, 2011, the Region served the parties with the formal makewhole specification and notice of hearing with the hearing scheduled to begin May 3, 2011 at 10:00 a.m.

On April 8, 2011, SJTG filed a motion for continuance of the compliance hearing with the Executive Secretary of the Agricultural Labor Relations Board (ALRB or Board). The motion for continuance again requested that the hearing be continued to August 9, 2011, and again stated that the reason for the continuance was to provide SJTG with more time to analyze the formal specification. Counsel for SJTG also stated that he had received a summons for jury duty to commence on April 25, 2011. The motion for continuance indicates that counsel for SJTG contacted counsel for the Charging Party, United Farm Workers of America (UFW) who stated that the UFW opposed a continuance to August 9, 2011.

On April 11, 2011, the Executive Secretary requested via email that the Region and the UFW file any response to SJTG's motion by close of business, April 12, 2011.

The Region emailed its opposition to the motion for continuance to the Executive Secretary on April 11, 2011.

On April 12, 2011, the Executive Secretary emailed all parties and requested additional information in order to evaluate SJTG motion for continuance. Additional information requested included a question about postponement of SJTG Counsel, Spencer Hipp's jury duty, and about the availability of the General Counsel's

primary witness, Professor Phil Martin. The Executive Secretary also asked all parties whether there were any other witnesses who required special accommodation due to their schedules.

Both the Region and Counsel for SJTG responded to the Executive Secretary's inquiries on April 13, 2011. In its response, SJTG stated for the first time that the key representatives of SJTG, Tom and Mark Perez, were not available May 9-May 13, May 27- June 1 and June 6, 2011. SJTG did not state the reason for their unavailability.

On April 14, 2011, the Executive Secretary issued an order partially granting SJTG's request for continuance. The Executive Secretary set the prehearing telephone conference for Thursday April 28, 2011, to allow SJTG to file its formal answer to the makewhole specification on April 25, 2011. The Executive Secretary granted a four-week continuance of the hearing, and scheduled it to begin May 31, 2011. The Executive secretary informed all parties by email on the morning of April 14, 2011 of the prehearing conference and hearing dates.

The afternoon of April 14, 2011, Counsel for SJTG emailed the Executive Secretary and requested reconsideration of the order partially granting SJTG's request for continuance. In this email, SJTG stated for the first time that the reason that Tom and Mark Perez would not be available May 9-May 13, May 27- June 1 and June 6, 2011, was that they would be out of state on these dates for evaluation of Mark Perez' recently diagnosed cancer. SJTG also stated that not only were Tom and Mark Perez key witnesses, but that they were company principles whose presence was required at the compliance hearing. SJTG requested that the hearing be continued to June 14,

2011. SJTG did not request a continuance of the prehearing conference call. Neither the Region nor the UFW filed a response to the request for reconsideration.

On April 18, 2011, the Executive Secretary issued via email an order denying SJTG's request for reconsideration. A hard copy of this order was issued on April 20, 2011.

On April 20, 2011, SJTG filed with the Board, a request for review of the Executive Secretary's order denying the request for reconsideration. SJTG emphasizes that both Mark Perez (son) and his 86-year old father Tom Perez would be out of state for evaluation of Mark Perez' cancer. SJTG asks that the Board direct the Executive Secretary to notice the compliance hearing to begin on June 14, 2011.

PLEASE TAKE NOTICE that in light of the information provided by SJTG in its request for review of the Executive Secretary's April 20, 2011 order, the Board hereby **ORDERS that all parties to this matter show cause why the compliance hearing in the above-caption matter should not be continued to June 14, 2011, and be held consecutive days thereafter until completed at the previously notice time and location.** Responses if any, must be received by close of business, Monday, May 2, 2011.

By Direction of the Board

Dated: April 27, 2011

JOSEPH A. WENDER
Acting Executive Secretary, ALRB